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Revised:

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OPEN CALENDAR PROCEDURE FOR JUDGE ROGER L. EFREMSKY

United States Bankruptcy Court
Northern District of California
Oakland Division
[Revised 12/2/10]



Beginning with hearings to be held after November 1, 2010, Judge Roger L. Efremsky will use an open calendar procedure for the scheduling of certain matters. This procedure will allow counsel to self-select an available date and time on the appropriate calendar and serve notice of that date and time without first having to obtain the date and time from the calendar clerk.

The court encourages all parties to set matters using the open calendar procedure whenever possible. Monica Narcisse, Judge Efremsky's courtroom deputy, will be available by telephone to schedule hearings not available for setting on the open calendar, or as needed for emergency matters. Her contact information is: Monica Burley, 510.879-3541, or monica_burley@canb.uscourts.gov.

1. Types of proceedings that may be set using the open calendar procedure:

- Motions in the main case in [chapter 7](#) and 11 cases, including motions for relief from stay: on designated Wednesdays at 2:00 p.m.
- Motions for relief from stay in [chapter 13](#) cases: on designated Wednesdays at 1:30 p.m.
- [Disclosure statement](#) hearings in [chapter 11](#) cases: on designated Tuesdays at 1:30 p.m.
- All matters relating to chapter 13 cases requiring the presence of the chapter 13 [trustee](#): on designated Tuesdays at 1:30 p.m. when chapter 13 [confirmation](#) hearings take place. These confirmation hearing dates will be announced in advance on a quarterly basis and posted in Judge Efremsky's calendar section on the Court's website.
- Motions in adversary proceedings: on designated Thursdays at 11:00 a.m.

2. The open calendar procedure is not available for the following:

- Case management conferences in adversary proceedings. The Case Administrator will select the date and time for the initial Case Management Conference before issuing the summons.
- [Plan](#)  confirmation hearings in chapter 11 cases. Following the approval of the disclosure statement, the court will schedule the date and time for the hearing on confirmation of plan.
- Status conferences in chapter 11 cases. The court will schedule and notice a status conference on the first available status conference date after the date set for the Section [341 meeting](#)  of creditors. Status conferences are generally held on the third or fourth Tuesday of the month at 1:30 p.m.
- Trials in adversary proceedings. All trials will be assigned a date and time and a pretrial order will be issued.
- Any matter requiring an order shortening time. An application for an order shortening time under B.L.R. 9006-1 is required before a hearing date will be set. Counsel should include preferred calendar dates and the notice proposed to be given to affected parties. Once the application has been reviewed, chambers will contact counsel with the date and time of the hearing as well as any special instructions regarding notice.
- Matters set by the court pursuant to an order to show cause and hearings on reaffirmation agreements.

3. Procedure:

- a. In order to utilize the open calendar procedure, counsel should select an available date and time as shown on the list of dates posted in Judge Efremsky's calendar section on the court's website. The date selected must be no earlier than as required by applicable national or local rules, as nothing in this open calendar procedure alters applicable time limits.
- b. After selecting an available date and time, counsel should serve proper notice of the matter in accordance with applicable rules. Note: If a hearing on a motion for relief from stay is set in accordance with this open calendar procedure more than thirty days after the date the motion is filed, the party will be deemed to have waived the thirty-day limitation of 11 U.S.C. § 362(e).
- c. No later than three days after the service on other parties, counsel should provide chambers with copies of all appropriate papers in accordance with Judge Efremsky's chambers copies policy explained in his Practice and Procedures section on the court's website.
- d. Once a matter is set by the open calendar procedure, with the exception of certain matters in adversary proceedings or matters noticed to all creditors, continuances may be handled through the Judge's courtroom deputy. A minimum notice of 24 hours for any continuance is encouraged. Counsel must receive e-mail or telephonic confirmation of a continuance from the courtroom deputy. Written stipulations and a proposed order are required for continuance of all case management conferences, pre-trials and scheduled trials. Matters noticed to all creditors must be continued in open court.
- e. Counsel must not request that the courtroom deputy call back to confirm that the matter has been placed on the calendar. Counsel desiring confirmation that a matter has been placed on the calendar by the open calendar procedure should review the calendar on the bankruptcy court's website.
- f. Failure to comply with the foregoing open calendar procedure will result in the matter not being placed on calendar. Note: Occasionally there may be a need to reschedule matters that have been placed on the calendar in accordance with this open calendar procedure. Typically this will be because of calendar congestion or unforeseen schedule changes. In those instances the courtroom deputy will contact the moving party as soon as possible so that a notice of a rescheduled hearing may be disseminated.

File Attachment:

 [2017 Open Calendar Dates.pdf](#)

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